

**DECISION**

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**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548****FILE:** B-210686**DATE:** October 19, 1983**MATTER OF:** Francis A. Brennan

**DIGEST:** After completing temporary duty in Kuala Lumpur, Malaysia, on Friday afternoon the claimant started his return trip to Wright-Patterson Air Force Base on Saturday. He arrived in Hong Kong at 1:35 p.m. on that day and remained there until 1 p.m. on Monday. He completed travel to Ohio on Tuesday and reported for duty on Wednesday. The agency's constructive scheduling of his return travel called for him to depart Hong Kong on Sunday, a nonworkday, and report for duty on Tuesday. Based on that schedule the agency charged the employee 8 hours annual leave for Tuesday. Since an agency may charge an employee annual leave when he interrupts his travel for personal reasons, this charge to annual leave was not improper.

We have been asked whether the Air Force properly charged Mr. Francis A. Brennan, a civilian employee, 8 hours annual leave in connection with his return from temporary duty in Malaysia in September 1981. Since an agency has the discretion to charge leave to employees who delay official travel for personal reasons the charge to leave in this case was within the authority of the responsible Air Force officials.

The Chief, Travel Entitlements and Systems Branch, Directorate of Plans and Systems, Department of the Air Force, requested an advance decision in this case. The request was forwarded by the Per Diem, Travel and Transportation Allowance Committee, Department of Defense, under Control No. 83-4.

Mr. Brennan completed his temporary duty in Kuala Lumpur, Malaysia, on Friday, September 11, 1981. He departed Saturday morning, September 12, 1981, for return to Wright-Patterson Air Force Base, Ohio. He arrived in Hong Kong at 1:35 p.m. that day and, as contemplated by his travel orders, did not immediately continue his

journey. But instead of leaving Hong Kong on Sunday he departed for the United States at 1 p.m. on Monday, September 14, 1981. He did not report for duty at Wright-Patterson Air Force Base until Wednesday, September 16, 1981.

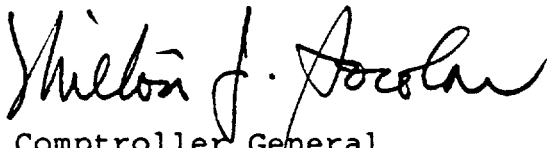
Because of the delay in Mr. Brennan's travel the Air Force formulated a constructive scheduling of his travel for purposes of determining whether he should be charged leave. The constructive schedule involves a departure from Hong Kong on Sunday at 11:05 a.m. and arrival in Dayton, Ohio, the employee's residence in the Wright-Patterson area that same day. Since the travel involved crossing the international dateline, more than 1 day's travel was required for this part of the journey. The Air Force did not charge leave for Monday but found that Mr. Brennan should have reported for duty on Tuesday, September 15, 1981. Because he did not report for duty on Tuesday the Air Force charged him 8 hours annual leave for that day.

Although Mr. Brennan did not claim per diem for Sunday, the day of his delay, he objected to being charged leave on a constructive basis for the delay caused by his 2-day stay in Hong Kong. He cited 53 Comp. Gen. 882 (1974) (B-180084, May 17, 1974) in support of his claim. In that case two Navy employees completed temporary duty on Saturday. Instead of returning to their permanent duty station on Sunday one returned on Monday, the other took annual leave on Monday and returned on Tuesday. The employees obtained an advisory arbitration award under which they were to be paid an extra day's per diem and were not to be charged annual leave for the travel day. We were asked whether that award could legally be enforced. We applied the existing rules and held that the arbitration award of per diem and reinstatement of leave could be implemented. In decisions relating to the charging of leave when an employee delays travel for personal reasons we have held that the agency has discretion to charge leave when the individual has delayed his return to duty for personal reasons. Matter of Derby, B-203915, June 8, 1982.

In this case, the agency prepared a constructive travel schedule in order to determine Mr. Brennan's

entitlements. There is no indication that the agency would have paid Mr. Brennan's per diem and refrained from charging leave had he delayed his travel until Monday in Kuala Lumpur in order to travel on Government time. Since he delayed his travel in Hong Kong the agency was authorized to compute his per diem and leave entitlements on a constructive travel schedule as they did. That schedule is the basis for Mr. Brennan's entitlement to per diem and also was the basis for determining the appropriate leave charge for excess traveltime.

On the basis of that constructive travel schedule, the agency has determined that Mr. Brennan should have delayed for only one day in Hong Kong as authorized in his travel orders. Although he could have returned to his duty station on Sunday evening, he was not charged leave for Monday presumably because of the length of his trip and the lateness of his return. He has not presented any evidence questioning the propriety of the constructive travel schedule prepared by the agency. Therefore, we find no basis to question the exercise of the agency's discretion in charging him 8 hours of annual leave for his absence on Tuesday.

for   
Comptroller General  
of the United States